

JESSICA NICOLE RILEY, also known
as Jessica N. Marshall

Plaintiff,

V.

OFFICER SILAS, OFFICER
PELEKAKIS and SULLIVAN CO.
SHERIFFS OFFICE,

Defendant.

Case No. 2:23-cv-58

Judge Travis R. McDonough

Magistrate Judge Cynthia R. Wyrick

ORDER

Before the Court is Plaintiff’s application to proceed *in forma pauperis* (Doc. 5). On August 28, 2023, Magistrate Judge Cynthia R. Wyrick issued a report and recommendation recommending that the application be granted, that Plaintiff’s claims against Defendant Sullivan County Sheriff’s Office (“Sullivan County”) be dismissed but that the dismissal be without prejudice as to her claim that Sullivan County has been deliberately indifferent to her medical needs, and that Plaintiff’s claims against Defendants Officer Silas and Officer Pelekakis be permitted to proceed. (Doc. 16.) No party filed a timely objection to the report and recommendation.

After reviewing the report and recommendation, the Court agrees with Magistrate Judge Wyrick’s well-reasoned conclusions. Accordingly, the Court **ACCEPTS** and **ADOPTS** the report and recommendation (Doc. 16), and **ORDERS** that Plaintiff’s application to proceed *in forma pauperis* (Doc. 5) is **GRANTED**.

In accordance with Magistrate Judge Wyrick's recommendation, Plaintiff is **ASSESSED** the civil filing fee of \$350.00. (Doc. 16, at 4.) The custodian of Plaintiff's inmate trust account is **DIRECTED** to submit to the Clerk, U.S. District Court, 220 West Depot Street, Greeneville, Tennessee 37743, twenty percent (20%) of Plaintiff's preceding monthly income (or income credited to Plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee of three hundred fifty dollars (\$350.00) has been paid to the Clerk. 28 U.S.C. § 1915(b)(2). The Clerk is **DIRECTED** to file the complaint without prepayment of costs or fees.

The Court will further **ORDER** that Plaintiff's claim against Sullivan County case be **DISMISSED** but that her claims that Sullivan county has been deliberately indifferent to her medical needs be **DISMISSED WITHOUT PREJUDICE**. Plaintiff's claims against Silas and Pelekakis shall proceed.

SO ORDERED.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE